

REMARKS

Applicant has given careful consideration to the Examiner's Office Action mailed May 20, 2003 on the above-referenced application. Reexamination and reconsideration of the application is respectfully requested.

The Office Action

Claims 1-11 are pending in the application. Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by Boncek, et al. (6,456,768). Claims 4-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable under Boncek, et al.

The Primary Reference Does Not Qualify As Citable Prior Art

A rejection based on 35 U.S.C. §102(e) can be overcome by perfecting a claim to priority under 35 U.S.C. §119(a)-(d) within the proper time period. In this case, such a claim to priority has been perfected, and the foreign priority filing date antedates the primary reference, Boncek, et al.

On February 9, 2001, less than six months after this application was filed, applicant filed with the PTO a certified copy of the original priority document, United Kingdom Patent Application No. 9926945.8 filed November 16, 1999. No English language translation was necessary as the priority document is in English. Although applicant's claim for priority was not acknowledged in the Office Action, the priority information appears clearly on the corrected filing receipt mailed July 19, 2001.

Insofar as Boncek, et al. was filed October 18, 2000, the rejections based upon 35 U.S.C. §102(e) have been overcome and claims 1-3 are therefore allowable. In addition, claims 4-7, which depend from claims 1-3, are also allowable.

Conclusion

For at least the foregoing reasons, the case is in condition for allowance and early notice thereof is requested.

Respectfully submitted,

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